

#181 GP 1633

PATENT
Attorney Docket No. ST96030-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)

Laurent BRACCO et al.)

Application No.: 09/297,181)

Filed: April 26, 1999)

Group Art Unit 1633

Examiner: KAUSHAL, S.

For: Anti-p53 Single-Chain Antibody Fragments and Their Uses

REQUEST FOR EXTENSION OF TIME
AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR ONE-MONTH EXTENSION OF TIME

Applicants respectfully request a one-month extension of time under 37 C.F.R. §1.136(a) for responding to the Office Action mailed on October 31, 2000. Accordingly, the time for response is extended up to and including December 31, 2000. A check in the amount of \$110.00 is attached to cover the one-month extension of time fee. In the event of any variance between the amount enclosed and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 50-1640.

RESPONSE TO RESTRICTION REQUIREMENT

Applicants respectfully submit the following response to the Office Action mailed October 31, 2000, the period for response having been extended up to and including December 31, 2000.

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The outstanding Office Action requires that Applicants elect one of the following allegedly patentably distinct groups of claims for prosecution on the merits:

<u>Group</u>	<u>Claims</u>
I	28-39, 43-44 and 47
II	40-42 and 45
III	28, 46, 48-53

Applicants hereby elect Group I, claims 28-39, 43-44 and 47, with traverse.

Initially, applicants point out that claims 40-42 should be included in Group I. As defined by the Examiner, this group includes “method of restoring p53 trans activation activity in a cell containing a mutated p53 protein.” Claims 40-42 are dependent upon 28, which is included in Group I. Thus, claims 40-42 relate to the same method as defined by the Examiner. Furthermore, claims 40-42 recite particular mutated p53 proteins. Mutated p53 proteins are also part of the method defined by the Examiner’s Group I. Accordingly, applicants request clarification and examination of claims 40-42 as part of Group I.

As noted above, applicants traverse the requirement for restriction. The Examiner has merely substituted multiple alleged “special technical features” for each group of claims (see page 3). The Examiner did not address applicants’ arguments submitted August 18, 2000, (incorporated herein by reference) showing that all the claims exhibit a single general inventive concept as described in Rule 13.1 PCT. The Examiner’s conclusory statements do not show how Rule 13.1 PCT is being considered or complied with here. This requirement for restriction should be withdrawn.

For the above reasons, applicants respectfully request that the Examiner withdraw the restriction requirement and proceed with an examination of all pending claims.

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CONCLUSION

Applicants maintain that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with applicants' representative, either by telephone or in person, would further prosecution of this application, we would welcome the opportunity for such an interview.


Applicants have provided for a one-month extension above. No additional extension of time fees, requests for extension of time, petitions, or additional claim fees are believed to be necessary to enter and consider this paper. If, however, any extensions of time are required or any fees are due in order to enter or consider this paper or enter or consider any paper accompanying this paper, including fees for net addition of claims, applicants hereby request any extensions or petitions necessary and the Commissioner is hereby authorized to charge our Deposit Account # 50-1640 for any fees. If there is any variance between the fee submitted and any fee required, including the extension of time fee and fee for net addition of claims, the Commissioner is hereby authorized to charge or credit Deposit Account No. 50-1640.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: December 14, 2000

By:


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